

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI
Eastern Division**

In re:)	
)	
JEFFREY DAVID BURGESS)	
DONNA LYNN BURGESS)	Case No. 15-45123-659
Debtors,)	
)	Chapter 13
WILMINGTON TRUST, NATIONAL)	
ASSOCIATION, AS SUCCESSOR TRUSTEE TO)	DOCKET NO. 20
CITIBANK, N.A., AS TRUSTEE FOR FIRST)	
FRANKLIN MORTGAGE LOAN TRUST,)	
MORTGAGE LOAN ASSET-BACKED)	Hearing Date: March 7, 2016
CERTIFICATE SERIES 2005-FF12)	Hearing Time: 10:00 am
Movant,)	Answer Date: February 15, 2016
v.)	
JEFFREY DAVID BURGESS)	
DONNA LYNN BURGESS)	
Respondent.)	
)	
)	

**CONSENT ORDER AND STIPULATION IN SETTLEMENT OF
MOTION FOR RELIEF FROM AUTOMATIC STAY**

COMES NOW Wilmington Trust, National Association, as successor trustee to Citibank, N.A., as trustee for First Franklin Mortgage Loan Trust, Mortgage Loan Asset-Backed Certificate Series 2005-FF12, its subsidiaries, affiliates, predecessors in interest, successors or assigns ("Movant"), by and through counsel, Melinda J. Maune, Amy T. Ryan and the law firm of Martin Leigh PC, and Debtors by counsel, Sean C. Paul the parties agree to the following Consent Order and Stipulation in settlement of the Movant's Motion for Relief from Automatic Stay.

1. On January 19, 2016, Movant filed its Motion for Relief from the Automatic Stay with respect to the property known as:

LOT TWENTY-NINE (29) OF PINE VIEW ACRES PLAT TWO PHASE TWO, A SUBDIVISION AS SHOWN BY PLAT ON FILE IN THE RECORDER'S OFFICE OF JEFFERSON COUNTY, MISSOURI, IN PLAT BOOK 198 PAGE 16.

The above-described property is also known as 5546 Trail Of Tears, House Springs, Missouri 63051 ("Property").

2. The parties agree that the post-petition delinquency including fees and costs is \$1,776.45. Movant is not adequately protected if the post-petition payments are not made by the Debtors. Said sum represents.

1. 1 mortgage payments (3/2016)	\$792.23
2. Less suspense balance	(\$41.78)
3. Movant's attorney fees (\$850.00) and costs (\$176.00)	\$1,026.00

3. Debtors will make payments as follows:

1. April 15, 2016	\$296.07
2. May 15, 2016	\$296.07
3. June 15, 2016	\$296.07
4. July 15, 2016	\$296.07
5. August 15, 2016	\$296.07
6. September 15, 2016	\$296.10

4. Debtors will begin making the regular monthly payments to Movant on April 1, 2016, and continue making those payments each and every month thereafter pursuant to the terms and conditions of the existing Note and Deed of Trust. *Payments shall be in the form of a Cashier's Check or Money Order, and mailed to the following address:*

**Nationstar Mortgage
Attn: Bankruptcy Department
PO Box 619094
Dallas, TX 75261-9741**

5. Movant's attorney fees and costs sought in the Motion, or any balance thereon, are included in the total post-petition arrearages stated above and are hereby granted and assessed against the Debtors in the total amount of \$1,026.00

6. Debtors authorize Movant to mail to Debtors: (1) monthly mortgage statements; (2) account statements including escrow analysis; and (3) notices regarding address or payment changes provided such a change is authorized by the Note and Deed of Trust. Debtors consent to direct contact by mail for purposes of receiving this information and waive any claim for violation(s) of the automatic stay regarding same.

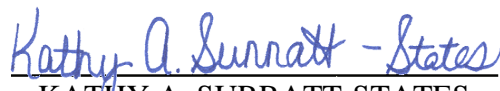
7. The terms of the Stipulation and the agreement reached between the parties shall remain in effect so long as the automatic stay remains in effect as to Movant. In the event the case is converted to another Chapter under Title 11 and pre-petition and/or post-petition arrearages remain unpaid, Movant shall be granted relief from the automatic stay after providing the notice as set forth in the following paragraphs.

The Court being duly advised in the premises adopts the stipulation as the findings of the Court.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED in the event the Debtor fails to comply with any of the conditions specified in this Stipulation and Order, the Movant shall file a written Notice of Breach with the Court, and serve a copy upon the Trustee, counsel for the Debtors, and the Debtors. Such Notice shall include a statement of any alleged Breach, including an itemization of all delinquent payments and the total amount necessary to cure the breach. Movant shall be allowed attorney's fees in the amount of \$50.00 for the preparation of any Notice of Breach under this paragraph and such fees shall be included in the total amount required to cure the delinquency. Movant shall be allowed additional attorney's fees in the amount of \$100.00 for attendance at each hearing related to a Notice of Breach.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that if the Debtors fail to cure the delinquency in full or fail to file an objection to the Notice of Breach within 14 (fourteen) calendar days of the date of the Notice, Movant shall be entitled to immediate relief from the automatic stay of 11 U.S.C. § 362(a) without further notice or hearing upon entry of an order for relief. For such purposes, Movant shall be free to exercise all of its rights and remedies under the Promissory Note, Deed of Trust, or as may otherwise be provided by law. An order entered under this paragraph shall not be stayed until the expiration of 14 days after the entry of the order. All other relief requested by Movant is hereby **DENIED** without prejudice as settled.

SO ORDERED:


KATHY A. SURRATT-STATES
Chief United States Bankruptcy Judge

DATED: April 7, 2016
St. Louis, Missouri
jjh

Respectfully submitted & Agreed to by,

MARTIN LEIGH PC

s/Melinda J. Maune

Melinda J. Maune #49797MO, mjm@martinleigh.com

Amy Tucker Ryan, #49047MO, atr@martinleigh.com

1044 Main Street, Suite 900

Kansas City, MO 64105

Telephone: 816 221-1430

Fax: 816 221-1044

ATTORNEYS FOR MOVANT

Approved by:

LAW OFFICES OF SEAN C. PAUL, PC

s/Sean C. Paul

Sean C. Paul

8917 Gravois Rd., 2nd Floor

St. Louis, MO 63123

Telephone: 314 827-4027

Fax: 314 222-0619

ATTORNEY FOR DEBTORS

copies to:

Melinda J. Maune

Martin Leigh PC

1044 Main St, Ste 900

Kansas City, MO 64105

Sean C. Paul

The Law Offices of Sean C. Paul, PC

8917 Gravois Rd, 2nd Floor

St. Louis, MO 63123

Jeffrey David Burgess

Donna Lynn Burgess

5546 Trail of Tears

House Springs, MO 63051

John V. LaBarge, Jr.

Chapter 13 Trustee

P.O. Box 430908

St. Louis, MO 63143

U.S. Trustee

Office of US Trustee

111 S Tenth St, Ste. 6353

St. Louis, MO 63102